

3/7/2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

Clerk, U.S. District Court
District of Montana
Helena Division

BILLINGS DIVISION

EARLINE COLE, CLETUS COLE,
and PRECIOUS BEARCRANE, a
minor child,

Plaintiffs,

vs.

FEDERAL BUREAU OF
INVESTIGATIONS, SALT LAKE
CITY FIELD OFFICE, FEDERAL
BUREAU OF INVESTIGATIONS,
BILLINGS OFFICE, and MATTHEW
ORAVEC,

Defendants.

No. CV 09-21-BLG-SEH

ORDER

On August 29, 2017, this matter was referred to Magistrate Judge Timothy J. Cavan for the purpose of conducting pretrial proceedings under 28 U.S.C. § 636(b)(1)(A). On February 7, 2019, Magistrate Judge Cavan issued Findings and Recommendation as to Defendant Matthew Oravec's Motion to Dismiss.¹

¹ Doc. 162.

Objections to the Findings and Recommendation were filed on February 21, 2019, by Plaintiffs.²

On February 19, 2019, Plaintiffs filed what was denominated as an “Unopposed Motion to Extend Deadline for Filing Objections” to Magistrate Judge Cavan’s Findings and Recommendation.³ Objections to the Findings and Recommendation in fact were filed by Plaintiffs on February 21, 2019.⁴ Defendants’ response to Plaintiffs’ objections to the Findings and Recommendation were filed on March 6, 2019.⁵

The Court has reviewed the objections as filed, and the arguments advanced in support and in opposition, and has determined upon *de novo* review of the record, that the Findings and Recommendation are fully supported by the record, should not be set aside or vacated, and should be accepted and affirmed.

ORDERED:

1. The objections⁶ to the Findings and Recommendation of the Magistrate Judge are OVERRULED.

² Doc. 193.

³ Doc. 192.

⁴ Doc. 193.

⁵ Doc. 199.

⁶ Doc. 193.

2. The Court adopts, accepts, and affirms the Findings and Recommendation of the Magistrate Judge.⁷
3. Defendant Matthew Oravec's Motion to Dismiss the Second Claim for Relief (*Bivens*-Violation of Equal Protection) [Against Individual Defendant Oravec] of the Second Amended Complaint⁸ is GRANTED.
4. The claim against individual defendant Matthew Oravec in the Second Claim for Relief of the Second Amended Complaint is DISMISSED.
5. Matthew Oravec is DISMISSED as an individual party Defendant to the Second Claim for Relief.

DATED this 7th day of March, 2019.



SAM E. HADDON
United States District Judge

⁷ Doc. 184.

⁸ Doc. 162.